

VZCZCXYZ0000
PP RUEHWEB

DE RUEHBBO #1571/01 1201611
ZNR UUUUU ZZH
P 291611Z APR 08
FM AMEMBASSY BOGOTA
TO RUEHC/SECSTATE WASHDC PRIORITY 2538
INFO RUEHBR/AMEMBASSY BRASILIA PRIORITY 8172
RUEHCV/AMEMBASSY CARACAS PRIORITY 0348
RUEHLP/AMEMBASSY LA PAZ APR 9403
RUEHPE/AMEMBASSY LIMA PRIORITY 6166
RUEHQD/AMEMBASSY QUITO PRIORITY 6817
RUEHGL/AMCONSUL GUAYAQUIL PRIORITY 4415
RUEHC/SECSTATE WASHDC PRIORITY 2539
RUEAWJC/DEPT OF JUSTICE WASHDC PRIORITY
RUEAIIA/CIA WASHDC PRIORITY

UNCLAS BOGOTA 001571

SIPDIS

SIPDIS

E.O. 12958: N/A

TAGS: KJUS PGOV PHUM PREL PTER CO

SUBJECT: PRESIDENT URIBE SIGNS ADMINISTRATIVE REPARATIONS
DECREE FOR VICTIMS

REF: A. BOGOTA 955

1B. BOGOTA 956

SUMMARY

11. President Uribe signed a decree April 22 to provide administrative reparations to victims of paramilitaries and FARC/ELN under the Justice and Peace Law (JPL) as well as housing benefits to 450,000 displaced families. To date, over 120,000 victims have registered under the JPL; victims who have not yet registered will have two years to do so from the date of the decree's publication. The decree bypasses the lengthy judicial process under way that requires convictions before victims receive compensation. It also sets the amounts to be awarded to victims for different types of injuries. Victims can pursue additional reparations through the judicial process, even after receiving administrative relief. Minister of Interior and Justice Carlos Holguin emphasized the GOC's recognition of the "indispensable" need to provide reparations. The first payments will be disbursed before yearend. END SUMMARY.

REPARATIONS: INDISPENSABLE FOR PEACE PROCESS

12. President Uribe signed a decree on April 22 to provide administrative reparations to victims under the Justice and Peace Law. The decree will cover the over 120,000 individual victims--almost all of whom are victims of the paramilitaries--who have registered to date. Victims who have not yet registered will have two years to do so from the date of the decree's publication. The decree provides five types of relief: restitution (property and land), rehabilitation, symbolic recognition, indemnization, and measures of no repetition. It avoids the lengthy judicial process -- currently ongoing under the JPL process -- to provide reparations for victims. The GOC has not costed out the financial implications of the program, and the initial GOC allocation for reparations is very small. The first payments will be made before the end of the year.

13. Foreign Minister Fernando Araujo said the decree is the product of months of consultation and discussion among various ministries, the security forces, the judicial branch, international organizations, and victims groups. He thanked the Organization of International Migration (IOM) and USAID

for their contributions. The National Commission for Reparation and Reconciliation (CNRR) consulted with over 4000 victims in eleven cities. Interior and Justice (MOIJ) Minister Carlos Holguin said the concerted work of the Procuraduria, Defensoria, Fiscalia, CNRR and MOIJ on the decree showed the GOC's recognition that victims' reparations were "indispensable" to the peace process.

RESTITUTION BASED ON LEVEL OF INJURIES

¶ 14. The main element of the administrative reparations is a cash payment scheme that defines who will receive what amount of funds from the state. Victims (or their beneficiaries) of homicide, forced disappearances, kidnapping, and personal and psychological injury causing permanent incapacitation will receive 40 minimum salaries (approximately \$10,000). Victims of torture, injury not causing permanent incapacitation, rape, and recruitment of minors will receive 30 minimum salaries (\$7500). In addition, 450,000 families victimized by forced displacement will receive housing benefits (valued up to \$6750) separately through the state's welfare arm, FONVIVIENDA. Victims can receive up to \$11,000 total for combined injuries.

DECREE AS ONE COMPONENT OF GREATER NATIONAL REPARATIONS

¶ 15. Holguin said the decree does not mean the GOC "takes responsibility" for injuries inflicted by illegal armed groups. The perpetrators remain accountable for reparations under Law 975. Still, over 80% of victims cannot identify

their perpetrators. Because of this, the GOC will provide reparations as a gesture of "solidarity with victims." He underscored the decree is only one component of a broader national reparations plan. Victims who receive administrative compensation retain the right to seek additional relief through the judicial process set up by the JPL.

¶ 16. Victims can register for administrative reparations at any Accion Social office, at local Defensoria and Procuraduria offices, and at mayors' and governors' offices. The GOC plans an intensive media campaign to ensure the victims are aware of their rights as well as the administrative process to receive reparations. From the date of approval of an application, payments will be provided to all registered victims over the course of ten years starting in the second semester of 2008.

PROTECTION OF VICTIMS REMAINS PRIORITY

¶ 17. In addition to the reparations decree, Holguin said protection for JPL victims would be an ongoing commitment, especially in 30 high-risk municipalities. Thirteen victims were murdered last year, and 250 have complained to the Fiscalia about receiving threats from illegal armed groups. Additional resources for security forces will be an ongoing priority. CNRR is also developing a model for the Integral Attention to Victims, focusing on psychosocial and legal assistance to victims.

BROWNFIELD